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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 KRAFT FOODS GROUP BRANDS LLC,

4 Petitioner,

5 v.

17-cv-8104 (ER)

6 BEGA CHEESE LIMITED,

7 Respondent.

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9 New York, N.Y.
10 January 26, 2018
11 11:30 a.m.

12 Before:

13 HON. EDGARDO RAMOS

14 District Judge

15 APPEARANCES

16 PAUL WEISS
Attorneys for Petitioner
17 BY: DARREN W. JOHNSON, ESQ.

18 DUANE MORRIS, LLP
Attorneys for Respondent
19 BY: FRAN M. JACOBS, ESQ.

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1 THE COURT: In the matter of Kraft Foods Group Brands
2 v. Bega Cheese Limited, counsel, please state your name for the
3 record.

4 MR. CLAYTON: Darren Johnson of Paul, Weiss, Rifkind,
5 Wharton & Garrison, on behalf of Kraft Foods Group Brands LLC.

6 THE COURT: Good morning.

7 MS. JACOBS: Good morning, Judge. Fran Jacobs from
8 Duane Morris LLP for Bega Cheese Limited.

9 THE COURT: And good morning to you.

10 This matter is on for a status conference. Last time
11 some things were supposed to happen that were supposed to
12 trigger the dispute resolution process in the arbitration
13 agreement, or in your agreement, and then I understand there
14 was a mediation. Mr. Johnson, why don't you bring me up to
15 date.

16 MR. CLAYTON: Sure. The parties had a mediation
17 earlier this month. The mediation unfortunately was
18 unsuccessful. We are in the process of finalizing arbitration
19 papers and preparing to commence arbitration hopefully as early
20 as next week. And I've traded e-mails with Ms. Jacobs in
21 advance of this conference and suggested that perhaps it made
22 sense to further adjourn this matter until after they have had
23 a chance to receive and review those papers and figure out
24 whether they're raising any objection to proceeding with the
25 arbitration or not. And Ms. Jacobs has told me that she has no

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1 objection to further adjourning this matter until that time.

2 THE COURT: Ms. Jacobs?

3 MS. JACOBS: I think the upshot of what Mr. Johnson
4 said is correct. In actuality, we suggested that this
5 conference be adjourned because there was really nothing to
6 discuss today, since we haven't seen an arbitration demand.
7 But we don't have a problem with adjourning this until after
8 we've had a chance to review the arbitration demand.

9 THE COURT: Assuming that there's no objection to the
10 arbitration demand and the matter goes to arbitration, how long
11 will that process take, for it to resolve, one way or the
12 other?

13 MR. CLAYTON: I think, if I understand your question,
14 your Honor, I think that the ICDR rules that we're operating
15 under, once we file the demand for arbitration and it's served
16 on Bega, they have 30 days to respond. And so I think within
17 30 days of that date we will know whether they're moving
18 forward or whether they're not moving forward. And so if we
19 count that from the end of next week, I think that brings us to
20 late February or early March.

21 THE COURT: I ask because I'm trying to figure out
22 what date makes sense for us to come back if we need to come
23 back.

24 MR. CLAYTON: My suggestion would be early to mid
25 March just to be safe, if that works with your Honor's

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1 schedule.

2 THE COURT: Ms. Jacobs?

3 MS. JACOBS: Your Honor, it's hard for me to say
4 because I don't know when we'll actually receive the
5 arbitration demand, but if it is going to be next week, then 30
6 days beyond that could be our time to respond.

7 THE COURT: OK.

8 MS. JACOBS: They have 45 days from the date of
9 remediation, which was January 12, to serve the arbitration
10 demand.

11 THE COURT: What's the deadline, Mr. Johnson, if you
12 know?

13 MR. CLAYTON: It's still several weeks away at this
14 point.

15 THE COURT: But you're going to get it to her earlier?

16 MR. CLAYTON: Yes, absolutely.

17 (Pause)

18 THE CLERK: March 9 at 11:30 a.m.

19 MR. CLAYTON: That's fine with me, your Honor.

20 THE COURT: Ms. Jacobs?

21 MS. JACOBS: I have nothing, no other commitments on
22 that day. That's fine.

23 THE COURT: Very well.

24 OK. Is there anything else that we need to do today,
25 Mr. Johnson?

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1 MR. CLAYTON: Not today, your Honor.

2 THE COURT: Ms. Jacobs?

3 MS. JACOBS: No, your Honor. Thank you.

4 THE COURT: Good luck to you, folks.

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